

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.3673 OF 2015.

(NILKANTH MAROTI KOSRABE & 2 OTH..VS..DEVAJI RAMA JUMNAKE.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : JULY 08, 2015.

Heard Mr. Rohit Joshi, the learned advocate for the petitioners.

The respondent-a tribal has filed an appeal before the Maharashtra Revenue Tribunal under Section 6 of the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974. As there is delay in filing the appeal, an application praying for condonation of delay came to be filed. The Tribunal by the impugned order has condoned the delay with the following observations and reasonings :

"I see that the applicant is from Tribal remote area. He is illiterate. He is not aware of the law and procedure. Therefore, as advised by someone, he filed appeal before SDO Kurkheda, which is not within the jurisdiction of SDO. The delay has caused because of the ignorance but it is found genuine. There is no deliberate delay. He claims to be tribal and seeks justice under the restoration Act meant for tribals. Keeping in view the objective of this law and genuinity of delay, I do not consider the objection raised by respondents as proper. There objection are dismissed and the delay application is allowed, condoning the delay in filing appeal. This decision to condone delay is taken to provide fair opportunity to the tribal and so as to decide the matter on merit."

In the facts of the present case, I am not inclined to interfere with the order passed by the Tribunal condoning the delay in favour of the respondent-Tribal person.

The petition is dismissed. No costs.

JUDGE

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